

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address

TODD A. FREALLY (State Bar No. 198780)
ANTHONY A. FRIEDMAN (State Bar No. 201955)
LEVENE, NEALE, BENDER, YOO & BRILL L.L.P.
10250 Constellation Boulevard, Suite 1700
Los Angeles, CA 90067
Telephone: (310) 229-1234
Facsimile: (310) 229-1244
Email: taf@lnbyb.com; aaf@lnbyb.com

☐ Individual appearing without attorney
☒ Attorney for: Steven M. Speier, Chapter 7 Trustee

FOR COURT USE ONLY

UNITED STATES BANKRUPTCY COURT

In re:

BRIAN GEORGE LENTZ,

Debtor(s).

CASE NO.: 6:14-bk-24055-SY

CHAPTER: 7

NOTICE OF SALE OF ESTATE PROPERTY

Sale Date: 12/21/2017

Time: 9:30 am

Location: Courtroom 302, 3420 Twelfth Street, Riverside, CA 92501

☒ Public☐ Private

Last date to file objections: 12/07/2017

Description of property to be sold:

Vacant Lot located at 971 W. Via Livorno, Palm Springs, California 92262

Terms and conditions of sale: The property shall be sold "as is" and "where is" and without any representation or warranty, express or implied; 10% brokers' commission.

Proposed sale price: \$ 150,000.00

Overbid procedure (if any):

See attached Exhibit A

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

December 21, 2017 at 9:30 am, Courtroom 302, 3420 Twelfth Street, Riverside, CA 92501

Contact person for potential bidders (include name, address, telephone, fax and/or email address):

Anthony A. Friedman
Levene, Neale, Bender, Yoo & Brill L.L.P.
10250 Constellation Blvd., Suite 1700
Los Angeles, CA 90067
Tele: 310-229-1234
Fax: 310-229-1244
E-mail: AAF@LNBYB.COM

Date: 11/30/2017

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Attorneys for Steven M. Speier, Chapter 7 Trustee

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
RIVERSIDE DIVISION**

In re

BRIAN GEORGE LENTZ,
Debtor.

Case No. 6:14-bk-24055-SY

Chapter 7

NOTICE OF MOTION FOR ORDER:

**(1) AUTHORIZING SALE OF
ESTATE'S RIGHT, TITLE AND
INTEREST IN REAL PROPERTY
FREE AND CLEAR OF LIENS;
(2) APPROVING OVERBID
PROCEDURE;
(3) SUBORDINATING TAX LIEN AND
DISTRIBUTING PROCEEDS UNDER
11 U.S.C. §§ 724(a) AND 724(b);
(4) APPROVING PAYMENT OF REAL
ESTATE BROKERS' COMMISSIONS;
AND
(5) FINDING PURCHASERS ARE
GOOD FAITH PURCHASERS**

**[971 W. Via Livorno, Palm Springs,
California 92262]**

Date: December 21, 2017

Time: 9:30 a.m.

Place: Courtroom 302

**U.S. Bankruptcy Court
3420 Twelfth Street
Riverside, CA 92501**

1 **TO ALL INTERESTED PARTIES:**

2 **PLEASE TAKE NOTICE** as follows:

3 **(A) Date, Time, and Place of Hearing on the Proposed Sale:** November 21, 2017 at
4 9:30 a.m. in Courtroom 302 of the United States Bankruptcy Court, located 3420 Twelfth Street,
5 Riverside, California 92501.

6 **(B) Name and Address of Proposed Buyer:** John B. Meyer and Jason Freed, c/o
7 Phillip Cass, Berkshire Hathaway Home Services, 2905 Tahquitz Canyon Way, Palm Springs,
8 California 92264.

9 **(C) Description of Property to Be Sold:** 971 W. Via Livorno, Palm Springs, California
10 92262 (the "Property").

11 **(D) Terms and Conditions of the Proposed Sale**

- 12 · Purchase Price: \$150,000 (the "Purchase Price");
- 13 · Condition of Property: Property purchased "as-is"
- 14 without any representations or warranties of any kind;
- 15 and
- 16 · Broker's Commissions: Ten percent (10% - Property is
- 17 vacant land).

18 **(E) Liens:** The proposed sale is free and clear of the liens, claims and encumbrances of
19 the items set forth in the chart, below. Notwithstanding that the proposed sale is free and clear,
20 certain of the liens, claims and encumbrances will be paid directly from escrow, as described in
21 detail in the Motion by each item number as indicated on the preliminary title report. The
22 preliminary title report obtained from First American Title Company indicates the following
23 liens, claims and encumbrances have been recorded against the Property:

Item No. on Title Report	Lienholder	Nature and Amount of Lien
6	JPMorgan Chase Bank, National Association ("Chase")	Lien recorded in favor of Washington Mutual Bank, N/A. on 10/13/99 and assigned to Chase by assignment recorded on 12/12/14. The Trustee is informed that an obligation of

1		approximately \$16,512.06 (as of
2		March 2015) is secured by this
3		lien, according to Chase's motion
4		for relief from the automatic stay
5		filed March 9, 2015 [Docket No.
6		22]. According to the Chase
7		relief from stay motion, the
8		monthly payments are in the
9		amount of \$440.96. Thus, taking
10		the balance of \$16,512.06,
11		together with estimated monthly
12		payment of \$440.96 for the past
13		31 months, the Trustee estimates
14		the full extent of Chase's claim to
15		be in the approximate amount of
16		\$30,181.82.
17	7.	Kent Williams and Mireya Escalante
18		Arriaza ("Williams")
19		An abstract of a judgment entered
20		against Escalante-Lentz and
21		recorded in favor of Williams on
22		10/02/12. Subject to a review of
23		a final payoff statement of funds
24		due to Chase, the Trustee seeks to
25		sell the Property free and clear of
26		this lien subject to an agreement
27		between the parties or further
28		Order of this Court. If provided
		with documentation regarding the
		full, detailed accounting and to
		the extent the Trustee is satisfied
		with its accuracy, the Trustee
		seeks authorization to pay the
		Chase lien directly from escrow.
	8.	United States of America (the "IRS")
		A federal tax lien in favor of the
		IRS recorded on 10/24/13. The
		tax is for income taxes owed for
		the period ending December 31,
		2011, which is prior to the date of
		separation of the Debtor and
		Escalante-Lentz. The Trustee is
		informed that an obligation of
		approximately \$65,745.61 is
		secured by this tax lien. As
		discussed herein, in accordance
		with Bankruptcy Code §§ 724(a)
		and 726(a), the Trustee seeks to
		avoid and recover \$4,962.77 of
		this lien for the benefit of the
		estate. Further, a portion of this

1		lien can be subordinated under
2		Bankruptcy Code §724(b) to
3		cover claims with a priority
4		greater than tax claims under
5		§507 of the Bankruptcy Code,
6		including, but not limited to,
7		administrative claims of the
8		Estate. As such, the Property will
9		be sold free and clear of this lien
10		pursuant to Bankruptcy Code
11		§363(f)(4) and (5).
12	10	Tax Collector of Riverside County
13		("Riverside County")
14		Lien recorded in favor of
15		Riverside County recorded on
16		07/06/15 for 2015-2016 taxes.
17		The Trustee is informed that an
18		obligation of approximately
19		\$2,331.27 is secured by this lien.

(F) Overbid Procedures: (1) any person interested in submitting an overbid on the Property must attend the hearing on the Motion or be represented by an individual with authority to participate in the overbid process; (2) an overbid will be defined as an initial overbid of \$10,000.00 above the Purchase Price, with each additional bid in increments of \$1,000.00; (3) overbidders (except for the Purchasers) must deliver a deposit to the Trustee's counsel by way of cashier's check made payable to "Steven M. Speier, Chapter 7 Trustee," in the amount of \$4,500.00 (the "Deposit") and proof of ability to close escrow unconditionally in a form acceptable to the Trustee at least 7 calendar days prior to the hearing on the Motion; (4) overbidders must purchase the Property on the same terms and conditions as the Purchasers; (5) the Deposit of the successful overbidder shall be forfeited if such party is thereafter unable to complete the purchase of the Property within 30 calendar days of entry of an order confirming the sale; and (6) in the event the successful overbidder cannot timely complete the purchase of the Property, the Trustee shall be authorized to proceed with the sale to the next highest overbidder.

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1 **(G) Consideration:** The Trustee estimates that the proposed sale will generate proceeds
2 of approximately \$132,000 after costs of sale. From the sale proceeds, approximately \$31,000
3 will be paid to Chase, approximately \$11,000 to Williams and approximately \$2,500 to
4 Riverside County, leaving approximate proceeds of \$87,500. From the approximate proceeds
5 of \$87,500, approximately \$5,000 shall be avoided and preserved penalties and interest from the
6 IRS claim in the amount of \$4,962.77 and allocated to the Debtor's estate for general unsecured
7 creditors, leaving a balance of \$82,500. Of the remaining balance of \$82,500, the IRS claim
8 will be subordinated to 11 U.S.C. §507(a)(2) administrative expenses of the estate in the amount
9 of \$65,000, leaving a balance of approximately \$19,000 available for payment on account of the
10 IRS claim.

11 **(H) Commissions:** The Trustee will request that broker's commissions of ten percent of
12 the gross sale price be allowed and paid directly from escrow to HOM Sotheby's International
13 Realty, the Trustee's real estate broker, and to the successful purchaser's agent.

14 **(I) Tax Consequences:** Following an analysis conducted by the Trustee and Trustee's
15 accountant, the Trustee anticipates no tax consequence arising from the sale of the Property.

16 **(J) Deadline for Objection:** Pursuant to Local Bankruptcy Rule 9013-1(f), any
17 interested party that wishes to oppose the relief requested in the motion must file not later than
18 14 days prior to the scheduled hearing date, with the Clerk of the Bankruptcy Court, located at
19 3420 Twelfth Street, Riverside, California 92501, and serve upon the Office of the United States
20 Trustee and the Trustee's counsel, located at the address indicated on the upper left corner of the
21 first page of this notice, "[a] complete written statement of all reasons in opposition thereto ...,
22 declarations and copies of all photographs and documentary evidence on which the responding
23 party intends to rely and any responding memorandum of points and authorities."

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1 **PLEASE TAKE FURTHER NOTICE** that pursuant to Local Bankruptcy Rule 9013-
2 1(h), failure to file and serve a timely response may be deemed consent to the relief requested in
3 the Motion.

4 DATED: November 30, 2017

LEVENE, NEALE, BENDER,
YOO & BRILL L.L.P.

By: /s/ Anthony A. Friedman
TODD A. FREALY
ANTHONY A. FRIEDMAN

Attorneys for Steven M. Speier, Chapter 7 Trustee
for the Bankruptcy Estate of Brian George Lentz

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 10250 Constellation Boulevard, Suite 1700, Los Angeles, CA 90067

A true and correct copy of the foregoing document entitled **NOTICE OF MOTION FOR ORDER: (1) AUTHORIZING SALE OF ESTATE'S RIGHT, TITLE AND INTEREST IN REAL PROPERTY FREE AND CLEAR OF LIENS; (2) APPROVING OVERBID PROCEDURE; (3) SUBORDINATING TAX LIEN AND DISTRIBUTING PROCEEDS UNDER 11 U.S.C. §§ 724(a) AND 724(b); (4) APPROVING PAYMENT OF REAL ESTATE BROKERS' COMMISSIONS; AND (5) FINDING PURCHASERS ARE GOOD FAITH PURCHASERS** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **November 30, 2017**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- Patti H Bass ecf@bass-associates.com
- Robert L Firth attyrfirth@hotmail.com, avazfirthlaw@gmail.com
- Todd A Frealy taf@lnbrb.com
- Anthony A Friedman aaf@lnbyb.com
- Marian Garza ecfnofices@ascensioncapitalgroup.com
- James F Lewin james.lewin@mtglawfirm.com, jimlewin7@gmail.com; wade.tang@mtglawfirm.com; jenelly.goldade@mtglawfirm.com; denise.bundy@mtglawfirm.com; renee.parker@mtglawfirm.com
- Christina J O christinao@mclaw.org, CACD_ECF@mclaw.org
- Carmela Pagay ctp@lnbyb.com
- Jason K Schrader jason.K.Schrader@usdoj.gov
- Summer M Shaw ss@dshapc.com, ecf4jdlaw@gmail.com
- Steven M Speier (TR) Imorvant@glassratner.com, sms@trustesolutions.net, sspeier@glassratner.com
- United States Trustee (RS) ustpreion16.rs.ecf@usdoj.gov

2. SERVED BY UNITED STATES MAIL: On **November 30, 2017**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Brian George Lentz
2180 S Palm Canyon Dr, Apt 42
Palm Springs, CA 92264

Ana Maria Escalante Lentz
c/o Law Ofcs of Renell E. Bruch, APC
75-280 Highway 111, Suite 102
Indian Wells, California 92210

Ana Maria Escalante Lentz
1052 El Escudero Circle
Palm Springs, CA 92262

Ana Maria Escalante Lentz
c/o James Jackson, Esq.
74-133 El Paseo Drive, Suite A
Palm Desert, CA 92260

Ana Maria Escalante Lentz
121 S. Palm Strings Canyon Dr.
Ste. 222
Palm Springs, CA 92262

IRS
Bankruptcy West
P.O. Box 7346
Philadelphia, PA 19101-7346

Internal Revenue Service by mail
Mary Sevilla
110 City Parkway M/S 5028 LVG
Las Vegas, Nevada 89106

RSN
Attn: BMW Financial Services NA, LLC Dept.
Ascension Capital Group
Account: XXXXX5343
P.O. Box 201347
Arlington, TX 76006

Kent Williams
77061 California Drive
Palm Desert, CA 92211

John B. Mayer
Jason Freed
c/o Phil Cass
2905 Tahquitz Canyon Way
Palm Springs, CA 92264

RSN
Cavalry SPVI, LLC
Bass & Associates, P.C.
3936 E. Ft. Lowell Road, Suite 200
Tucson, AZ 85712

The Honorable Scott H. Yun
United States Bankruptcy Court
3420 Twelfth Street, Suite 345 / Courtroom 302
Riverside, CA 92501-3819

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **November 30, 2017**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

November 30, 2017
Date

Stephanie Reichert
Type Name

/s/ Stephanie Reichert
Signature

Label Matrix for local noticing
0973-6

Case 6:14-bk-24055-SY
Central District of California
Riverside
Thu Oct 27 11:17:25 PDT 2016

JPMorgan Chase Bank, National Association, a
Malcolm Cisneros a Law Corporation
2112 Business Center Drive
2nd Floor
Irvine, CA 92612-7135

Bank of America
NC4-105-02-99
P.O. Box 26012
Greensboro, NC 27420-6012

Chase
Attn: Bankruptcy Dept.
700 Kansas Lane
Monroe, LA 71203-4774

Digital Life - AT&T
Att: Bankruptcy Dept.
P.O. Box 537104
Atlanta, GA 30353-7104

IRS
Bankruptcy West
P.O. Box 7346
Philadelphia, PA 19101-7346

Peter Vanderweden
1051 El Escudero Circle
Palm Springs, CA 92262-3249

United States Trustee (RS)
3801 University Avenue, Suite 720
Riverside, CA 92501-3255

Wells Fargo Card Services
Attn: Bankruptcy Dept.
P.O. Box 30086
Los Angeles, CA 90030-0086

Dean Sipe
HOM Sotheby's International Realty
500 S Palm Canyon Dr Ste 101
Palm Springs, CA 92264-7467

BMW Financial Services NA, LLC
c/o Ascension Capital Group
P.O. Box 201347
Arlington, Tx 76006-1347

Riverside Division
3420 Twelfth Street,
Riverside, CA 92501-3819

Capital One
Attn: Bankruptcy Claims Servicer
P.O. Box 30285
Salt Lake City, UT 84130-0285

Chase - Mortgage
Attn: Bankruptcy Dept.
P.O. Box 15298
Wilmington, DE 19850-5298

Fidelity Law
c/o Brian Linnekins
3679 Motor Ave., Ste. 200
Los Angeles, CA 90034-6197

OrthoBanc
Attn: Billing Dept.
2835 Northpoint Blvd.
Chattanooga, TN 37421

Saks World Elite Master Card
Attn: Bankruptcy Dept.
P.O. Box 5896
Carol Stream, IL 60197-5896

Visterra Credit Union
Attn: Adrian - Bankruptcy Dept.
P.O. Box 9500
Moreno Valley, CA 92552-9500

Westside Recovery Services, LLC
c/o Leonard Gilbert
6200 Wilshire Blvd., #1100
Los Angeles, CA 90048-5812

Robert L Firth
68910 Adelina Road
Cathedral City, CA 92234-3747

Cavalry SPV I, LLC.
Bass & Associates, P.C.
3936 E. Ft. Lowell Rd., Ste 200
Tucson, AZ 85712-1083

Alphera Financial Services
Attn: Bankruptcy Dept.
5550 Britton Parkway
Hilliard, OH 43026-7456

Chase
Attn: Bankruptcy Dept.
Mail Code AZ1-2516
P.O. Box 78035
Palatine, IL 60094-4014

Cooper MD, Martin
Attn: Billing Dept.
120 S. Spalding Dr. #400
Beverly Hills, CA 90212-1842

Franchise Tax Board
Bankruptcy Section, MS:A-340
P. O. Box 2952
Sacramento, CA 95812-2952

Patrick Rhoten M.D.
Attn: Billing Dept.
122 Sheldon Street
El Segundo, CA 90245-3915

Seterus
Attn: Bankruptcy Dept.
P.O. Box 4128
Beaverton, OR 97076-4128

Wells Fargo Card Services
1 Home Campus 3rd Floor
Des Moines, IA 50328-0001

Brian George Lentz
2180 S Palm Canyon Drive Apt. 42
Palm Springs, CA 92264-8994

Steven M Speier (TR)
Post Office Box 7637
Newport Beach, CA 92658-7637

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 10250 Constellation Boulevard, Suite 1700, Los Angeles, CA 90067

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- Todd A Frealy taf@lnbrb.com
- Anthony A Friedman aaf@lnbyb.com
- Marian Garza ecfnotices@ascensioncapitalgroup.com
- James F Lewin james.lewin@mtglawfirm.com, jimlewin7@gmail.com; wade.tang@mtglawfirm.com; jenelly.goldade@mtglawfirm.com; denise.bundy@mtglawfirm.com; renee.parker@mtglawfirm.com
- Christina J O christinao@mclaw.org, CACD_ECF@mclaw.org
- Carmela Pagay ctp@lnbyb.com
- Jason K Schrader jason.K.Schrader@usdoj.gov
- Summer M Shaw ss@dshapc.com, ecf4jdlaw@gmail.com
- Steven M Speier (TR) lmorevant@glassratner.com, sms@trustesolutions.net, sspeier@glassratner.com
- United States Trustee (RS) ustpreion16.rs.ecf@usdoj.gov

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

November 30, 2017

Stephanie Reichert

/s/ Stephanie Reichert

Date

Type Name

Signature